
OLR Bill Analysis

sSB 389

AN ACT CONCERNING COURT OPERATIONS.

SUMMARY:

This bill makes a number of unrelated changes regarding Judicial Branch officials, court procedures and programs, and the State Marshal Commission's composition. Among other things, it:

1. authorizes chief probation officers and supervisory judicial marshals employed by the Judicial Branch to administer oaths in the performance of their duties (§ 1);
2. alters restrictions on political party membership for members of the State Marshal Commission;
3. allows the chief justice to designate anyone, not just a judge, to serve in her place on the State Library Board;
4. presumes abandoned and requires the court clerk to deposit in the General Fund, any amount of money up to \$10 found on Superior Court property that the finder of the money gives to the court clerk (§ 4);
5. allows the chief court administrator to determine that the prompt and proper administration of judicial business requires determining venue in housing matters based on judicial district instead of geographical area;
6. expands the types of Judicial Branch fees, costs, fines, and charges a person can pay by credit card;
7. allows an authorized Judicial Branch official to purchase body armor on behalf of a judicial marshal without meeting with the seller in person;

8. makes a number of changes to when a defendant's bail bond automatically terminates;
9. makes minor and clarifying changes regarding ex parte orders for child custody and investigations in family relations matters; and
10. eliminates (a) a special education administrative cases pilot program that was never implemented and (b) the wrongful conviction commission.

EFFECTIVE DATE: October 1, 2014 except for the provision regarding the State Library Board, which is effective July 1, 2014.

§§ 2 AND 11-12 — COMPOSITION OF THE STATE MARSHAL COMMISSION

By law, the State Marshal Commission consists of a judge appointed by the chief justice, one member appointed by each of the six legislative leaders, and a gubernatorial appointee who serves as chairperson.

The bill eliminates a restriction that no more than four members excluding the chairperson can be from the same political party. It also alters the number of members who may be attorneys licensed by any state. Currently, no more than three of the six legislative appointments can be licensed attorneys. Under the bill, there can be no more than four licensed attorneys among the legislative appointments and the governor's appointment as chairman.

The bill also makes technical changes.

§ 3 — COMPOSITION OF THE STATE LIBRARY BOARD

By law, the Supreme Court chief justice or her designee is a member of this board. The bill allows the chief justice to designate anyone, not just a judge as under current law, to serve in her place.

By law, the board's other members are:

1. the chief court administrator or his designee,

2. the education commissioner or his designee,
3. five electors appointed by the governor, and
4. one member appointed by each of the top four legislative leaders.

§ 5 — VENUE FOR HOUSING MATTERS

Current law determines venue in housing matters based on the courts' geographical areas except that venue is determined by judicial district in the judicial districts of Fairfield, Hartford, Middlesex, New Britain, New Haven, Stamford-Norwalk, Tolland, and Waterbury. The bill allows the chief court administrator to require venue to be based on additional judicial districts when he determines that the prompt and proper administration of judicial business requires it.

By law, housing matters include summary process (eviction) cases; appeals from fair rent commission decisions; and cases involving discrimination in sales or rentals, health and safety violations, rent and security deposit violations, and other violations of landlord-tenant laws.

§ 6 — PAYING FEES

The bill allows a person to pay by credit card any Judicial Branch fee, cost, fine, or other charge, not just those from the Superior Court. As with Superior Court charges, the person paying by credit card can be charged a service fee up to the amount of the charge from the card issuer, including any discount, and the chief court administrator can set times and conditions for credit card payments.

§ 7 — BODY ARMOR

The bill allows an authorized Judicial Branch official to purchase body armor on behalf of a judicial marshal without meeting with the seller in person. By law, only specified law enforcement and military officials may purchase body armor without meeting the seller in person, including authorized Judicial Branch officials who purchase body armor on behalf of probation officers.

§ 8 — AUTOMATIC TERMINATION OF BAIL BONDS

When a defendant is released from custody on posting a bail bond, the law automatically terminates that bond when certain events occur. The bill changes these circumstances in a number of ways.

1. It eliminates automatic termination when a person is granted admission to the community service labor program. This program is no longer a pretrial program. But, it remains as an option for certain offenders to participate in place of a prison sentence after a plea agreement.
2. It adds automatic termination when prosecution ends by nolle prosequi (the prosecutor officially declines to prosecute the charge). This appears to match current court practice.
3. For automatic termination upon sentencing, which is required by current law, the bill requires termination only after any stay of the sentence is lifted.
4. It adds automatic termination when the court suspends prosecution of certain eligible offenders, and admits them to supervision instead, for violating provisions on (a) armor piercing and incendiary ammunition, (b) large capacity magazines, and (c) long gun sales and transfers.

As under existing law, a bond is automatically terminated when a person:

1. is granted accelerated rehabilitation;
2. is granted participation in the following pretrial programs: alcohol education program, family violence education program, drug education and community service program, or school violence prevention program;
3. has his or her charges dismissed; or
4. is acquitted.

§ 9 — EX PARTE ORDER FOR CHILD CUSTODY

PA 13-194 authorized the court to issue ex parte orders for child custody in certain circumstances. The bill clarifies that the court must order a hearing on an application and, if it grants an order ex parte, it must schedule a hearing within 14 days after issuing the ex parte order.

§ 10 — INVESTIGATIVE REPORT IN FAMILY RELATIONS MATTERS

The law requires the report of an investigation ordered by the court in a family relations case to be filed with the clerk with a copy mailed to counsel. The bill eliminates a requirement to file four copies of the report and adds a requirement to mail a copy to any self-represented party.

§ 13 — SPECIAL EDUCATION CASE PILOT PROGRAM AND WRONGFUL CONVICTION COMMISSION ELIMINATED

The bill eliminates the:

1. chief court administrator's authority to establish a pilot program to resolve special education administrative contested cases, which was never established, and
2. Wrongful Conviction Advisory Commission, which current law authorizes to investigate and determine the cause of wrongful convictions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 0 (04/01/2014)